

CHRIS JACOBS  
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November 9, 2020

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo,

I write to urge you to include Scaffold Law reform in your next budget proposal. New York's Scaffold Law is an outdated policy from the Gilded Age that imposes absolute liability for gravity-related injuries on employers and property owners. This abnormal liability regime grossly inflates construction costs in New York. At a time when New York State's budget is already under severe strain from the COVID-19 pandemic, it would be prudent to reform the Scaffold Law by changing commercial insurance laws to reflect a comparative negligence standard instead of absolute liability.

Comparative negligence is the liability standard in every other state in the union. Illinois was the last state to repeal their version of the Scaffold Law in 1995. Since then, Illinois saw a reduction in gravity-related injuries and fatalities, demonstrating the Scaffold Law does not in fact improve worker safety, and may actually increase risks for workers.

The Scaffold Law results in unnecessary taxpayer spending at the state, local, and federal level. It is expected to add an additional \$180 to \$300 million to the Gateway Program. The Tappan Zee Bridge is estimated to have incurred up to \$400 million in additional costs due to the Scaffold Law. In a recent amicus brief, the New York City Transit Authority stated it is in an existential financial crisis. It's public liability burden in 2019 was \$150 million dollars, much of that due to the Scaffold Law. These costs represent hundreds of millions of dollars that could have gone toward improving our schools, repairing the New York City subway, or fixing our roads. And unfortunately, it's not just governments that are burdened by the law – New York families are too. The Scaffold Law adds up to \$10,000 to the cost of construction for a new single-family home.

This excessive spending is why I introduced the Infrastructure Expansion Act, which would exempt federally funded construction projects from the Scaffold Law. While I will strongly advocate for this legislation on the federal level, you and the state legislature are responsible for reforming this law at the state level.

As a former member of the New York State Senate, I understand the financial strain New York is currently under. I support federal funding for state and local governments and recently cosponsored H.R. 6594, the State Municipal Assistance and Transition (SMART) Act, which would provide \$500 billion to state, local and tribal governments in part to replace tax revenue lost due to the pandemic. I will continue to advocate for this supplemental funding, but the New York State government must also take action to reduce spending. Reforming the Scaffold Law is a sensible step to cut costs on the state level.

I stand ready and willing to work with you and lawmakers in the New York State Legislature to reform the Scaffold Law, alleviate the state's budget challenges, and provide New Yorkers across the state with world-class infrastructure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Jacobs", with a stylized, flowing script.

CHRIS JACOBS  
Member of Congress